

OCT 12 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Sole Applicant: David Tropp
Application no. 10/706,500
Title: **METHOD OF IMPROVING
AIRLINE LUGGAGE INSPECTION**

Office Action 08-26-2005
Examiner Edwyn Labaze
Art Unit 2876

DECLARATION OF PRIOR INVENTION PURSUANT TO 35 U.S.C. § 1.131

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

DAVID TROPP, declares as follows:

1. I am the inventor of and applicant for the above referenced invention disclosed in U.S. patent application 10/706,500, a Method of Improving Airline Luggage Inspection, (the "Invention") filed on November 12, 2003. This Declaration is submitted pursuant to 37 CFR § 1.131 in response to the Office Action dated August 26, 2005 in which October 29, 2003 was cited as the publication date of the earlier prior art reference.

2. As part of the process of obtaining a patent for my invention, I scheduled a meeting with Steven Horowitz, Esq. and met him in person on October 27, 2003. At that meeting, which took place in his office, I described my entire invention to him for the purposes of hiring him as a patent attorney to file a United States patent application for his invention. I instructed Mr. Horowitz to file a patent application on my invention in the United States Patent & Trademark Office in a hurry.

3. At the October 27, 2003 meeting, I disclosed the invention to Mr. Horowitz. I explained the problem that the invention was intended to address - problems arising from the U.S. Transportation Security Administration's ("TSA") determination to clip airline

passengers' luggage in order to check for items prohibited for security reasons. I also provided Mr. Horowitz with articles describing this problem. An example of such an article is attached as exhibit A hereto

4. The attached exhibit B, which includes a sketch, shows in my own handwriting a detailed description of the invention is dated December 19, 2002. I handed this to Mr. Horowitz at the October 27, 2003 meeting. This exact sketch was used as the drawings for the patent application in this case filed on November 12, 2003. The sketch forming part of exhibit B shows a special lock that can be opened both by a combination locking mechanism as well as independently by a master key. In addition, the sketch discloses an identification element on the special lock, namely the words "TSA Approved".

5. As shown by my sketch and the materials and descriptions given to Mr. Horowitz at the October 27, 2003 meeting, the method of my invention involved among other things going to the TSA to have them approve a particular special lock and then provide that special lock with an identification element that notified the luggage screeners at the TSA that the special lock was one "approved" by the TSA and for which the TSA had the master key, the identification element also serving to help assure luggage consumers that the special lock was one that would not have to be broken into by the TSA luggage screeners.

6. I also provided Mr. Horowitz at that meeting a copy of a written proposal that I had submitted to the TSA in January 2003 to have them approve a special lock of the sort described for the purposes of his invention. This proposal, which is dated and notarized on January 12, 2003, is attached as exhibit C hereto, was submitted to the TSA because my invention was a method that involved having the agreement of the TSA. The

proposal shows this.

7. At the October 27, 2003, in addition to providing written materials to Mr. Horowitz, I also orally described all aspects of the invention to him, including the idea of providing a special lock having a combination lock portion and a key lock portion to consumers and getting the consumer to understand that the TSA has agreed to look for an identification element on the special lock telling it that it will not have to clip this special lock, the idea of obtaining agreement from the TSA to recognize a particular lock having the identification element and to inspect luggage having the special lock of this kind without trying to break into it. The special lock was to be applied to an individual piece of airline luggage, see exhibits B and C, and the master key would be provided substantially exclusively to the TSA for use by the luggage screeners.

8. After the October 27, 2003 meeting with my attorney until November 12, 2003 when the patent application was filed I spoke to and met with Mr. Horowitz regularly to make sure that everything connected with filing the patent application was being done in a hurry, which it was, and to provide any additional input that was needed for any and all papers that get filed with the patent application.

9. On November 12, 2003, the patent application papers were complete and we filed the patent application in the U.S. Patent & Trademark Office.

10. I conceived of the entire Invention by December 2002 and certainly by October 27, 2003 when I first met with my attorney Mr. Horowitz.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 10/11/05


David Tropp